

Appl. No. 10/684,316
Amdt. dated April 5, 2005
Reply to Office Action of January 10, 2005

PATENT

REMARKS

Claims 56-60 remain pending in the application. Applicant adds new claims 61-73. Therefore, Claims 56-73 are pending in the application and are presented for consideration and allowance.

Discussion of Rejections Under 35 USC §102(e)

Claims 56-58 were rejected under 35 USC §102(e) as allegedly anticipated by published U.S. Patent Application No. 2003/0093193 to Pippinger (hereinafter Pippinger application). Claims 59-60 were rejected under 35 USC §102(e) as allegedly anticipated by U.S. Patent No. 6,584,383 to Pippinger (hereinafter Pippinger patent). Additionally, Claims 56-57 and 59-60 were rejected under 35 USC §102(e) as allegedly anticipated by an Internet page (<http://www.skirsch.com/politics/plane/disable.htm>) hereinafter referred to as "SAFE."

Applicant notes that the Pippinger application and the Pippinger patent correspond to the same U.S. application having Serial No. 09/967,026 and having a U.S. filing date of September 28, 2001.

The SAFE reference indicates a publication date of September 20, 2001. See *SAFE* page 1 ("Version 19. 9/20/01").

Applicant attaches to this correspondence a Declaration under 37 CFR 1.131 in which the inventor declares that the date of conception occurred prior to the earliest date of the references, September 20, 2001, and that the inventor was diligent in pursuing the patent application that is the parent to the present application.

Because Applicant has a date of conception prior to the earliest date of the references, none of the references is prior art under 35 USC §102(e). Therefore, Applicant respectfully requests withdrawal of the rejections under 35 USC §102(e) and allowance of claims 56-60.

Discussion of Rejections Under 35 USC §103(a)

Claim 58 was rejected under 35 USC §103(a) as allegedly unpatentable over the SAFE reference in combination with French Patent No. 2,584,842 to Bortheyre. As discussed above, the SAFE reference as well as the Pippinger references are not prior art relative to

Appl. No. 10/684,316
Amdt. dated April 5, 2005
Reply to Office Action of January 10, 2005

PATENT

Applicant's application. There is no indication that Botheyre discusses or suggests all of the elements of Applicant's claim 58 or base claim 56. Therefore, Applicant respectfully requests reconsideration and allowance of claim 58.

Discussion of New Claims

Applicant adds new claims 61-73. Support for the new claims can be found throughout the specification, as filed. No new matter is added in the new claims.

In particular, support for claims 61 and 72 can be found, for example at page 15 at lines 13-14. Support for claims 62 and 73 can be found at, for example, page 6 lines 19-20. Support for claims 63-66 can be found, for example, at page 14 line 15 through page 17 line 9.

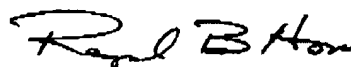
Applicant respectfully requests allowance of claims 61-73

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Raymond B. Horn
Reg. No. 44,773

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachment
RBH:jo
60417000 v1